

EXHIBIT D

From: GARRETT, Tyler
Sent: Tuesday, October 15, 2024 7:30 AM
To: Marc B. Collier; Noah Heinz; EWALT, Andrew (AJE); Geraldine W. Young; Zeke DeRose III
Cc: Kathy Patrick; MCCALLUM, Robert; Michael Doman; Jonathan Wilkerson; MAHR, Eric (EJM); Charles M. Rosson; jhunsberger@axinn.com; LEONARD, Claire; Trevor Young; ack; alex.brown; John McBride; Alex Abston; Marisa Madaras Bonaparte; HENDERSON, Andrew; BOSCO, Veronica; alebeck@gibbsbruns.com; Michael Davis; Kiran Bhat; Ethan Glenn
Subject: RE: Scheduling EDTX Expert Depositions

Hi Marc,

Google proposes taking the deposition of Dr. Hochstetler with respect to his supplemental report, for up to seven hours on the record, on either October 31 or November 1. Please let us know if either of those dates are agreeable to Plaintiffs and if Plaintiffs intend to make Dr. Hochstetler available at the same location as his 10/1 deposition (Norton Rose's Dallas, TX office). Given that Plaintiffs served this report outside of the expert report schedule and without leave, Google may choose to serve one or more responsive reports. We will reach out regarding the timing of any further reports once Google has made that determination.

Best,
Tyler

From: Marc B. Collier <marc.collier@nortonrosefulbright.com>
Sent: Monday, October 14, 2024 9:59 AM
To: Noah Heinz <noah.heinz@kellerpostman.com>; EWALT, Andrew (AJE) <Andrew.Ewalt@freshfields.com>; GARRETT, Tyler <Tyler.Garrett@freshfields.com>; Geraldine W. Young <geraldine.young@nortonrosefulbright.com>; Zeke DeRose III <zeke.derose@lanierlawfirm.com>
Cc: Kathy Patrick <kpatrick@gibbsbruns.com>; MCCALLUM, Robert <rob.mccallum@freshfields.com>; Michael Doman <mdoman@gibbsbruns.com>; Jonathan Wilkerson <Jonathan.Wilkerson@LanierLawFirm.com>; MAHR, Eric (EJM) <Eric.MAHR@freshfields.com>; Charles M. Rosson <CRosson@gibbsbruns.com>; jhunsberger@axinn.com; LEONARD, Claire <Claire.Leonard@freshfields.com>; Trevor Young <Trevor.Young@oag.texas.gov>; ack <ack@kellerpostman.com>; alex.brown <alex.brown@lanierlawfirm.com>; John McBride <john.mcbride@nortonrosefulbright.com>; Alex Abston <Alex.Abston@LanierLawFirm.com>; Marisa Madaras Bonaparte <marisa.madaras@nortonrosefulbright.com>; HENDERSON, Andrew <Andrew.Henderson@freshfields.com>; BOSCO, Veronica <Veronica.Bosco@freshfields.com>; alebeck@gibbsbruns.com; Michael Davis <mdavis@gibbsbruns.com>; Kiran Bhat <kiran.bhat@kellerpostman.com>; Ethan Glenn <ethan.glenn@nortonrosefulbright.com>
Subject: RE: Scheduling EDTX Expert Depositions

Counsel,

Can you advise regarding preferred dates? Assuming Google wishes to depose on the supplement, we'd like to schedule this for a convenient date for the witness and all counsel.

Thanks, Marc

From: Noah Heinz <Noah.Heinz@kellerpostman.com>
Sent: Thursday, October 10, 2024 3:38 PM
To: Marc B. Collier <marc.collier@nortonrosefulbright.com>; Andrew.Ewalt <Andrew.Ewalt@freshfields.com>; GARRETT, Tyler <Tyler.Garrett@freshfields.com>; Geraldine W. Young <geraldine.young@nortonrosefulbright.com>; Zeke DeRose III <zeke.derose@lanierlawfirm.com>

Cc: Kathy Patrick <kpatrick@gibbsbruns.com>; rob.mccallum <rob.mccallum@freshfields.com>; Michael Doman <mdoman@gibbsbruns.com>; Jonathan Wilkerson <Jonathan.Wilkerson@LanierLawFirm.com>; Eric.MAHR <Eric.MAHR@freshfields.com>; Charles M. Rosson <CRosson@gibbsbruns.com>; Hunsberger, James K. <jhunsberger@axinn.com>; LEONARD, Claire <Claire.Leonard@freshfields.com>; Trevor Young <Trevor.Young@oag.texas.gov>; ack <ack@kellerpostman.com>; alex.brown <alex.brown@lanierlawfirm.com>; John McBride <john.mcbride@nortonrosefulbright.com>; Alex Abston <Alex.Abston@LanierLawFirm.com>; Marisa Madaras Bonaparte <marisa.madaras@nortonrosefulbright.com>; HENDERSON, Andrew <Andrew.Henderson@freshfields.com>; BOSCO, Veronica <Veronica.Bosco@freshfields.com>; alebeck <alebeck@gibbsbruns.com>; Michael Davis <mdavis@gibbsbruns.com>; Kiran Bhat <kiran.bhat@kellerpostman.com>

Subject: Re: Scheduling EDTD Expert Depositions

Counsel,

We wanted to follow-up on this. Is there a date that you would prefer for a deposition of Dr. Hochstetler with respect to his opinions on Chats?

Best,

Noah Heinz
Associate

Keller | Postman

1101 Connecticut Avenue, N.W., 11th Floor | Washington, D.C., 20036
[202.918.1841](tel:202.918.1841) | [Email](#) | [Bio](#) | [Website](#)

From: Marc B. Collier <marc.collier@nortonrosefulbright.com>
Date: Friday, October 4, 2024 at 8:48 PM
To: Andrew.Ewalt <Andrew.Ewalt@freshfields.com>, GARRETT, Tyler <Tyler.Garrett@freshfields.com>, Geraldine W. Young <geraldine.young@nortonrosefulbright.com>, Zeke DeRose <zeke.derose@lanierlawfirm.com>
Cc: Kathy Patrick <kpatrick@gibbsbruns.com>, rob.mccallum <rob.mccallum@freshfields.com>, Michael Doman <mdoman@gibbsbruns.com>, Jonathan Wilkerson <jonathan.wilkerson@lanierlawfirm.com>, Noah Heinz <Noah.Heinz@kellerpostman.com>, Eric.MAHR <Eric.MAHR@freshfields.com>, Charles M. Rosson <CRosson@gibbsbruns.com>, Hunsberger, James K. <jhunsberger@axinn.com>, LEONARD, Claire <Claire.Leonard@freshfields.com>, Trevor Young <trevor.young@oag.texas.gov>, Ashley Keller <ack@kellerpostman.com>, alex.brown <alex.brown@lanierlawfirm.com>, John McBride <john.mcbride@nortonrosefulbright.com>, Alex Abston <Alex.Abston@LanierLawFirm.com>, Marisa Madaras <marisa.madaras@nortonrosefulbright.com>, HENDERSON, Andrew <Andrew.Henderson@freshfields.com>, BOSCO, Veronica <Veronica.Bosco@freshfields.com>, alebeck <alebeck@gibbsbruns.com>, Michael Davis <mdavis@gibbsbruns.com>
Subject: RE: Scheduling EDTD Expert Depositions

Andrew and Google counsel,

As discussed below, please find for service a copy of the Supplemental Expert Report of Jacob Hochstetler (solely on chats) as well as his Appendix spreadsheet in native format for your convenience.

I hope everyone has a nice weekend.

Thanks, Marc

From: Marc B. Collier

Sent: Friday, September 27, 2024 4:37 PM

To: EWALT, Andrew (AJE) <Andrew.Ewalt@freshfields.com>; GARRETT, Tyler <Tyler.Garrett@freshfields.com>; Geraldine W. Young <geraldine.young@nortonrosefulbright.com>; Zeke DeRose III <zeke.derose@lanierlawfirm.com>

Cc: Kathy Patrick <kpatrick@gibbsbruns.com>; rob.mccallum <rob.mccallum@freshfields.com>; Michael Doman <mdoman@gibbsbruns.com>; Jonathan Wilkerson <Jonathan.Wilkerson@LanierLawFirm.com>; Noah Heinz <noah.heinz@kellerpostman.com>; Eric.MAHR <Eric.MAHR@freshfields.com>; Charles M. Rosson <CRosson@gibbsbruns.com>; Hunsberger, James K. <jhunsberger@axinn.com>; LEONARD, Claire <Claire.Leonard@freshfields.com>; Trevor Young <Trevor.Young@oag.texas.gov>; ack <ack@kellerpostman.com>; alex.brown <alex.brown@lanierlawfirm.com>; John McBride <john.mcbride@nortonrosefulbright.com>; Alex Abston <Alex.Abston@LanierLawFirm.com>; Marisa Madaras <marisa.madaras@nortonrosefulbright.com>; HENDERSON, Andrew <Andrew.Henderson@freshfields.com>; BOSCO, Veronica <Veronica.Bosco@freshfields.com>; alebeck <alebeck@gibbsbruns.com>; Michael Davis <mdavis@gibbsbruns.com>

Subject: RE: Scheduling EDTX Expert Depositions

Andrew,

Thank you and I'll allow other of the States' counsel to follow-up if needed on the below. I did want to write regarding one supplemental point related to the upcoming Tuesday deposition of Professor Hochstetler.

As you are aware, Google first began production of this Chat log data in late August 2024, and was still clarifying information about these logs as of this Tuesday. As noted in Professor Hochstetler's rebuttal report, he has always indicated he would issue a supplemental report on Google Chat log data when that information was finally received. We now anticipate that we will serve that supplemental report next week on the issue of Google Chats in light of Google's new productions of data and clarifying information.

To avoid disruption of the agreed schedule, we will proceed with Professor Hochstetler's deposition on Tuesday on his opening and rebuttal reports as planned. However, we will also make him available for 2 hours on the record solely on his supplemental report at a later, agreed date.

Thanks, Marc

From: EWALT, Andrew (AJE) <Andrew.Ewalt@freshfields.com>

Sent: Friday, September 27, 2024 4:27 PM

To: GARRETT, Tyler <Tyler.Garrett@freshfields.com>; Geraldine W. Young <geraldine.young@nortonrosefulbright.com>; Zeke DeRose III <zeke.derose@lanierlawfirm.com>

Cc: Kathy Patrick <kpatrick@gibbsbruns.com>; rob.mccallum <rob.mccallum@freshfields.com>; Michael Doman <mdoman@gibbsbruns.com>; Marc B. Collier <marc.collier@nortonrosefulbright.com>; Jonathan Wilkerson <Jonathan.Wilkerson@LanierLawFirm.com>; Noah Heinz <noah.heinz@kellerpostman.com>; Eric.MAHR <Eric.MAHR@freshfields.com>; Charles M. Rosson <CRosson@gibbsbruns.com>; Hunsberger, James K. <jhunsberger@axinn.com>; LEONARD, Claire <Claire.Leonard@freshfields.com>; Trevor Young <Trevor.Young@oag.texas.gov>; ack <ack@kellerpostman.com>; alex.brown <alex.brown@lanierlawfirm.com>; John McBride <john.mcbride@nortonrosefulbright.com>; Alex Abston <Alex.Abston@LanierLawFirm.com>; Marisa Madaras <marisa.madaras@nortonrosefulbright.com>; HENDERSON, Andrew <Andrew.Henderson@freshfields.com>; BOSCO, Veronica <Veronica.Bosco@freshfields.com>; alebeck <alebeck@gibbsbruns.com>; Michael Davis <mdavis@gibbsbruns.com>

Subject: RE: Scheduling EDTX Expert Depositions

Hi Geraldine,

Google has finished reviewing the draft motion and proposed order, and I can confirm that we'll be prepared to file if plaintiffs confirm their agreement to points (a)-(d) in the third paragraph of Tyler's email and that they do not oppose the motion.

Thanks,
Andy

From: GARRETT, Tyler <Tyler.Garrett@freshfields.com>

Sent: Friday, September 27, 2024 2:07 PM

To: Geraldine W. Young <geraldine.young@nortonrosefulbright.com>; Zeke DeRose III <zeke.derose@lanierlawfirm.com>

Cc: Kathy Patrick <kpatrick@gibbsbruns.com>; MCCALLUM, Robert <rob.mccallum@freshfields.com>; Michael Doman <mdoman@gibbsbruns.com>; Marc B. Collier <marc.collier@nortonrosefulbright.com>; Jonathan Wilkerson <Jonathan.Wilkerson@LanierLawFirm.com>; Noah Heinz <noah.heinz@kellerpostman.com>; MAHR, Eric (EJM) <Eric.MAHR@freshfields.com>; Charles M. Rosson <CRosson@gibbsbruns.com>; jhunsberger@axinn.com; EWALT, Andrew (AJE) <Andrew.Ewalt@freshfields.com>; LEONARD, Claire <Claire.Leonard@freshfields.com>; Trevor Young <Trevor.Young@oag.texas.gov>; ack <ack@kellerpostman.com>; alex.brown <alex.brown@lanierlawfirm.com>; John McBride <john.mcbride@nortonrosefulbright.com>; Alex Abston <Alex.Abston@LanierLawFirm.com>; Marisa Madaras <marisa.madaras@nortonrosefulbright.com>; HENDERSON, Andrew <Andrew.Henderson@freshfields.com>; BOSCO, Veronica <Veronica.Bosco@freshfields.com>; alebeck@gibbsbruns.com; Michael Davis <mdavis@gibbsbruns.com>

Subject: RE: Scheduling EDTX Expert Depositions

Hi Geraldine,

Thanks for confirming the location of several of the depositions. We've updated the table below with the Google attorneys who will be attending the Hochstetler deposition and with the physical location for the Baye deposition (though plaintiffs may conduct that deposition virtually, if they prefer). The Zoom link information for the Hochstetler deposition is attached.

Professor Hoffman will be testifying virtually from her home in Encinitas, CA, and we have agreed that the deposition will begin at 9am PT. Due to a personal circumstance, the Hoffman deposition will need to be fully remote and no other persons (including a court reporter and videographer) will be in the room with her during her deposition. Regarding the requested Zoom link, our understanding is that the party taking the deposition is responsible for coordinating the court reporter, videographer, and virtual attendee logistics for each deposition.

We understand that plaintiffs are willing to agree that (a) Google may serve a Baye sur-rebuttal report (and backup materials) by October 4; (b) plaintiffs will make reasonable good faith efforts for Professor Gans to review the Baye sur-rebuttal report in advance of his deposition so that Professor Gans may be productively questioned about it; (c) the Gans deposition will proceed on October 10 in Houston, Texas; and (d) the Baye deposition will take place on October 25 in Bloomington, Indiana. Please confirm that plaintiffs in fact agree on these points. In the interests of time, we're attaching a draft motion for leave to serve the Baye sur-rebuttal report (along with a proposed order) and request that plaintiffs promptly confirm that we may represent that they do not oppose the motion. (Please note, however, that Google is still reviewing the draft motion and confirming whether it will agree to the terms described in this paragraph.)

Finally, Google agrees to the following:

- The parties agree to forego deposition notices for expert depositions and that expert depositions will be conducted by oral examination before a certified court reporter authorized to administer oaths and will continue from day to day until completed (subject/pursuant to the previously agreed 7 hours on the record for each expert on a single day). The depositions will be recorded by stenographic means and by videotape. The depositions may be used for discovery, evidentiary, trial, and all other purposes permitted by the Federal Rules of Civil Procedure, Federal Rules of Evidence, the local rules of the United States District Court for the Eastern District of Texas, and all Orders entered by the Court.
- Unless otherwise agreed, taking attorneys will be in person, but observers can be over Zoom. The party taking the deposition will circulate the observation Zoom link to counsel 2 business days prior to the deposition.
- For security purposes, both sides will provide the names of attending attorneys for in-person depositions two business days in advance of taking a deposition.

Expert	Date	Location	Sponsor	Taking/Attending Attorneys' Names for Security
Jacob Hochstetler	10/1/2024	Norton Rose Dallas Office 2200 Ross Avenue, Suite 3600 Dallas, TX 75201-7932	Plaintiffs	James Hunsberger, Andrew Freeborn, and Maryanne Magnier
Donna Hoffman	10/2/2024	Virtual (Encinitas, CA)	Google	N/A
Matthew Weinberg	10/8/2024	Norton Rose NYC Office	Plaintiffs	

		1301 Avenue of the Americas New York, NY 10019-6022		
Cynthia Rudin	10/9/2024	Veritext - Durham, NC 811 Ninth Street, Suite 260 Durham, NC 27705	Plaintiffs	
Zubair Shafiq	10/9/2024	Norton Rose San Francisco Office 555 California Street, Suite 3300 San Francisco, CA 94104	Plaintiffs	
Steve Wiggins	10/10/2024	Gibbs & Bruns Houston office 1100 Louisiana Street, Suite 5300 Houston, TX	Google	
Joshua Gans	10/10/2024	Norton Rose Houston Office 1550 Lamar Street, Suite 2000 Houston, Texas 77010	Plaintiffs	
Parag Pathak	10/14/2024	Veritext - Boston, MA 101 Arch Street, Suite 650 Boston, MA 02110	Plaintiffs	
Nancy Mathiowetz	10/15/2024	Norton Rose Chicago Office 1045 W. Fulton Market, Suite 1200 Chicago, IL 60607	Plaintiffs	
John Chandler	10/24/2024	DoubleTree by Hilton - Missoula- Edgewater 100 Madison Street Missoula, MT 59802	Plaintiffs	
Douglas Skinner	10/25/2024	Cornerstone Chicago office 181 West Madison Street, 43rd Floor Chicago, IL	Google	
Michael Baye	10/25/2024	Biddle Hotel & Conference Center Indiana Memorial Union Bldg. 900 E 7th Street Bloomington, IN	Google	
David DeRamus	10/28/2024	Norton Rose Washington, DC Office 799 9th St NW, Suite 1000 Washington, DC 20001	Plaintiffs	
Itamar Simonson	10/29/2024	Axinn San Francisco office 55 Second Street San Francisco, CA	Google	
Anindya Ghose	10/30/2024	Axinn DC office 1901 L Street NW Washington, DC	Google	
Anil Somayaji	10/30/2024	Veritext - Nashville, TN 1 Vantage Way, Suite D-115 Nashville, TN 37228	Plaintiffs	
Paul Milgrom	10/31/2024	Freshfields Silicon Valley office 855 Main Street Redwood City, CA	Google	
Martin Rinard	11/1/2024	Axinn DC office 1901 L Street NW Washington, DC	Google	
Jeffrey Andrien	11/1/2024	Norton Rose Austin Office 98 San Jacinto Boulevard, Suite 1100 Austin, TX 78701	Plaintiffs	

Best,
Tyler

From: Geraldine W. Young <geraldine.young@nortonrosefulbright.com>

Sent: Tuesday, September 24, 2024 9:05 AM

To: GARRETT, Tyler <Tyler.Garrett@freshfields.com>; Zeke DeRose III <zeke.derosse@lanierlawfirm.com>

Cc: Kathy Patrick <kpatrick@gibbsbruns.com>; MCCALLUM, Robert <rob.mccallum@freshfields.com>; Michael

Doman <mdoman@gibbsbruns.com>; Marc B. Collier <marc.collier@nortonrosefulbright.com>; Jonathan Wilkerson <Jonathan.Wilkerson@LanierLawFirm.com>; Noah Heinz <noah.heinz@kellerpostman.com>; MAHR, Eric (EJM) <Eric.MAHR@freshfields.com>; Charles M. Rosson <CRosson@gibbsbruns.com>; jhunsberger@axinn.com; EWALT, Andrew (AJE) <Andrew.Ewalt@freshfields.com>; LEONARD, Claire <Claire.Leonard@freshfields.com>; Trevor Young <Trevor.Young@oag.texas.gov>; ack <ack@kellerpostman.com>; alex.brown <alex.brown@lanierlawfirm.com>; John McBride <john.mcbride@nortonrosefulbright.com>; Alex Abston <Alex.Abston@LanierLawFirm.com>; Marisa Madaras <marisa.madaras@nortonrosefulbright.com>; HENDERSON, Andrew <Andrew.Henderson@freshfields.com>; BOSCO, Veronica <Veronica.Bosco@freshfields.com>; alebeck <gibbsbruns.com>; Michael Davis <mdavis@gibbsbruns.com>; Geraldine W. Young <geraldine.young@nortonrosefulbright.com>

Subject: RE: Scheduling EDTX Expert Depositions

Tyler,

Thank you for confirming the Mathiowetz and Andrien dates. Please also confirm the following, including some items from an earlier email in this thread:

- Plaintiffs agree to take the deposition of Prof. Baye on October 25th and propose switching this to a fully virtual deposition based on our team's availability. **If you agree to virtual, please let us know the location where Baye will be located / testifying virtually from.**
- The parties are in agreement to forego deposition notices and agree to the following: The depositions will be conducted by oral examination before a certified court reporter authorized to administer oaths and will continue from day to day until completed (subject/pursuant to the previously agreed 7 hours on the record for each expert). The depositions will be recorded by stenographic means and by videotape. The depositions may be used for discovery, evidentiary, trial, and all other purposes permitted by the Federal Rules of Civil Procedure, Federal Rules of Evidence, the local rules of the United States District Court for the Eastern District of Texas, and all Orders entered by the Court.
- For the virtual depositions of Donna Hoffman and Michael Baye, all Google counsel will also be virtual and not in-person with the witnesses. **Please also let us know the location where Hoffman will be located / testifying virtually from, and provide us with the zoom link for the deposition.**
- Taking attorneys will otherwise be in person, but observers can be over Zoom, so we will coordinate circulating the zoom link for those observing virtually. **Plaintiffs propose that the parties agree to circulate the observation Zoom links to counsel 2 business days prior to the deposition, please let us know if you disagree.**
- For security purposes, both sides will provide the names of attending attorneys for in-person depositions two business days in advance of taking a deposition. We have added a column to the chart below for that purpose. E.g., Google will provide all attending attorneys' names for the Hochstetler deposition by Fri. Sept. 27.

As stated in our other emails, the States do not agree to delay or move the deposition dates of Profs. Gans and Wiggins, or to the extended schedule for Prof. Baye's sur-rebuttal report proposed by Google. Our discussions on those issues remain ongoing.

The States have also added in the below chart specific locations for those that were previously outstanding.

Expert	Date	Location	Sponsor	Taking/Attending Attorneys' Names for Security
Jacob Hochstetler	10/1/2024	Norton Rose Dallas Office 2200 Ross Avenue, Suite 3600 Dallas, TX 75201-7932	Plaintiffs	
Donna Hoffman	10/2/2024	Virtual	Google	NA
Matthew Weinberg	10/8/2024	Norton Rose NYC Office 1301 Avenue of the Americas New York, NY 10019-6022	Plaintiffs	
Cynthia Rudin	10/9/2024	Veritext - Durham, NC 811 Ninth Street	Plaintiffs	

		Suite 260 Conference Room Durham, NC 27705		
Zubair Shafiq	10/9/2024	Norton Rose San Francisco Office 555 California Street, Suite 3300 San Francisco, CA 94104	Plaintiffs	
Steve Wiggins	10/10/2024	Gibbs & Bruns Houston office 1100 Louisiana Street, Suite 5300 Houston, TX	Google	
Joshua Gans	10/10/2024	Norton Rose Houston Office 1550 Lamar Street, Suite 2000 Houston, Texas 77010	Plaintiffs	
Parag Pathak	10/14/2024	Veritext - Boston, MA 101 Arch Street Suite 650 Boston, MA 02110	Plaintiffs	
Nancy Mathiowetz	10/15/2024	Norton Rose Chicago Office 1045 W. Fulton Market, Suite 1200 Chicago, IL 60607	Plaintiffs	
John Chandler	10/24/2024	DoubleTree by Hilton - Missoula- Edgewater 100 Madison Street Missoula, MT 59802	Plaintiffs	
Douglas Skinner	10/25/2024	Cornerstone Chicago office 181 West Madison Street, 43rd Floor Chicago, IL	Google	
<i>Michael Baye</i>	10/25/2024	Virtual	Google	
David DeRamus	10/28/2024	Norton Rose Washington, DC Office 799 9th St NW Ste 1000 Washington, DC 20001	Plaintiffs	
Itamar Simonson	10/29/2024	Axinn San Francisco office 55 Second Street San Francisco, CA	Google	
Anindya Ghose	10/30/2024	Axinn DC office 1901 L Street NW Washington, DC	Google	
Anil Somayaji	10/30/2024	Veritext - Nashville, TN 1 Vantage Way Suite D-115 Nashville, TN 37228	Plaintiffs	
Paul Milgrom	10/31/2024	Freshfields Silicon Valley office 855 Main Street Redwood City, CA	Google	
Martin Rinard	11/1/2024	Axinn DC office 1901 L Street NW Washington, DC	Google	
Jeffrey Andrien	11/1/2024	Norton Rose Austin Office 98 San Jacinto Boulevard, Suite 1100 Austin, TX 78701	Plaintiffs	

From: GARRETT, Tyler <Tyler.Garrett@freshfields.com>

Sent: Thursday, September 19, 2024 5:51 AM

To: Geraldine W. Young <geraldine.young@nortonrosefulbright.com>; Zeke DeRose III <zeke.derose@lanierlawfirm.com>

Cc: Kathy Patrick <kpatrick@gibbsbruns.com>; rob.mccallum <rob.mccallum@freshfields.com>; Michael Doman <mdoman@gibbsbruns.com>; Marc B. Collier <marc.collier@nortonrosefulbright.com>; Jonathan Wilkerson <Jonathan.Wilkerson@LanierLawFirm.com>; Noah Heinz <noah.heinz@kellerpostman.com>; Eric.MAHR <Eric.MAHR@freshfields.com>; Charles M. Rosson <CRosson@gibbsbruns.com>; Hunsberger, James K. <jhunsberger@axinn.com>; Andrew.Ewalt <Andrew.Ewalt@freshfields.com>; LEONARD, Claire <Claire.Leonard@freshfields.com>; Trevor Young <Trevor.Young@oag.texas.gov>; ack <ack@kellerpostman.com>; alex.brown <alex.brown@lanierlawfirm.com>; John McBride <john.mcbride@nortonrosefulbright.com>; Alex Abston <Alex.Abston@LanierLawFirm.com>; Marisa Madaras <marisa.madaras@nortonrosefulbright.com>; HENDERSON, Andrew <Andrew.Henderson@freshfields.com>; BOSCO, Veronica <Veronica.Bosco@freshfields.com>; alebeck@gibbsbruns.com; Michael Davis <mdavis@gibbsbruns.com>

Subject: RE: Scheduling EDTX Expert Depositions

Hi Geraldine,

Google agrees to the revised Mathiowetz and Andrien deposition dates Plaintiffs have proposed, and will take the Mathiowetz deposition on 10/15 and the Andrien deposition on 11/1 at the locations provided in the table below. I have therefore removed the highlighting from these rows.

We have also updated the table with the dates that we proposed for the Gans, Baye, and Wiggins depositions to allow time for the Court to resolve the motion to strike and for Professor Baye to complete a sur-rebuttal report.

Expert	Date	Location	Sponsor
Joshua Gans	10/18 or 10/21	Norton Rose Houston Office 1550 Lamar Street, Suite 2000 Houston, Texas 77010	Plaintiffs
Michael Baye	10/25, 10/31, or 11/1	The Biddle Hotel & Conference Center Indiana Memorial Union Bldg. 900 E 7th Street Bloomington, IN	Google
Steve Wiggins	10/30 or 10/31	Gibbs & Bruns Houston office 1100 Louisiana Street, Suite 5300 Houston, TX	Google
Jacob Hochstetler	10/1/2024	Norton Rose Dallas Office 2200 Ross Avenue, Suite 3600 Dallas, TX 75201-7932	Plaintiffs
Donna Hoffman	10/2/2024	Virtual	Google
Matthew Weinberg	10/8/2024	Norton Rose NYC Office 1301 Avenue of the Americas New York, NY 10019-6022	Plaintiffs
Cynthia Rudin	10/9/2024	Chapel Hill, NC	Plaintiffs
Zubair Shafiq	10/9/2024	Norton Rose San Francisco Office 555 California Street, Suite 3300 San Francisco, CA 94104	Plaintiffs
Parag Pathak	10/14/2024	Boston, MA	Plaintiffs
Nancy Mathiowetz	10/15/2024	Norton Rose Chicago Office 1045 W. Fulton Market, Suite 1200 Chicago, IL 60607	Plaintiffs
John Chandler	10/24/2024	Missoula, MT	Plaintiffs
Douglas Skinner	10/25/2024	Cornerstone Chicago office 181 West Madison Street, 43rd Floor Chicago, IL	Google
David DeRamus	10/28/2024	Norton Rose Washington, DC Office 799 9th St NW, Ste 1000 Washington, DC 20001	Plaintiffs
Itamar Simonson	10/29/2024	Axinn San Francisco office 55 Second Street San Francisco, CA	Google
Anindya Ghose	10/30/2024	Axinn DC office 1901 L Street NW	Google

		Washington, DC	
Anil Somayaji	10/30/2024	Nashville, TN	Plaintiffs
Paul Milgrom	10/31/2024	Freshfields Silicon Valley office 855 Main Street Redwood City, CA	Google
Martin Rinard	11/1/2024	Axinn DC office 1901 L Street NW Washington, DC	Google
Jeffrey Andrien	11/1/2024	Norton Rose Austin Office 98 San Jacinto Boulevard, Suite 1100 Austin, TX 78701	Plaintiffs

We'll look forward to working with you to confirm new dates for these depositions.

Best,
Tyler

From: Geraldine W. Young <geraldine.young@nortonrosefulbright.com>
Sent: Tuesday, September 17, 2024 1:03 PM
To: GARRETT, Tyler <Tyler.Garrett@freshfields.com>; Zeke DeRose III <zeke.derose@lanierlawfirm.com>
Cc: Kathy Patrick <kpatrick@gibbsbruns.com>; MCCALLUM, Robert <rob.mccallum@freshfields.com>; Michael Doman <mdoman@gibbsbruns.com>; Marc B. Collier <marc.collier@nortonrosefulbright.com>; Jonathan Wilkerson <Jonathan.Wilkerson@LanierLawFirm.com>; Noah Heinz <noah.heinz@kellerpostman.com>; MAHR, Eric (EJM) <Eric.MAHR@freshfields.com>; Charles M. Rosson <CRosson@gibbsbruns.com>; jhunsberger@axinn.com; EWALT, Andrew (AJE) <Andrew.Ewalt@freshfields.com>; LEONARD, Claire <Claire.Leonard@freshfields.com>; Trevor Young <Trevor.Young@oag.texas.gov>; ack <ack@kellerpostman.com>; alex.brown <alex.brown@lanierlawfirm.com>; John McBride <john.mcbride@nortonrosefulbright.com>; Alex Abston <Alex.Abston@LanierLawFirm.com>; Marisa Madaras <marisa.madaras@nortonrosefulbright.com>; HENDERSON, Andrew <Andrew.Henderson@freshfields.com>; BOSCO, Veronica <Veronica.Bosco@freshfields.com>; alebeck@gibbsbruns.com; Michael Davis <mdavis@gibbsbruns.com>
Subject: RE: Scheduling EDTX Expert Depositions

Tyler,

See below highlighted for alternative dates for the depositions of Plaintiffs' experts Mathiowetz (per Google's request) and Andrien (death of close family).

Expert	Date	Location	Sponsor
Michael Baye	[TBD]	The Biddle Hotel & Conference Center Indiana Memorial Union Bldg. 900 E 7th Street Bloomington, IN	Google
Jacob Hochstetler	10/1/2024	Norton Rose Dallas Office 2200 Ross Avenue, Suite 3600 Dallas, TX 75201-7932	Plaintiffs
Donna Hoffman	10/2/2024	Virtual	Google
Matthew Weinberg	10/8/2024	Norton Rose NYC Office 1301 Avenue of the Americas New York, NY 10019-6022	Plaintiffs
Cynthia Rudin	10/9/2024	Chapel Hill, NC	Plaintiffs
Zubair Shafiq	10/9/2024	Norton Rose San Francisco Office 555 California Street, Suite 3300 San Francisco, CA 94104	Plaintiffs
Steve Wiggins	10/10/2024	Gibbs & Bruns Houston office 1100 Louisiana Street, Suite 5300 Houston, TX	Google

Joshua Gans	10/10/2024	Norton Rose Houston Office 1550 Lamar Street, Suite 2000 Houston, Texas 77010	Plaintiffs
Parag Pathak	10/14/2024	Boston, MA	Plaintiffs
Nancy Mathiowetz	10/15/2024	Norton Rose Chicago Office 1045 W. Fulton Market, Suite 1200 Chicago, IL 60607	Plaintiffs
John Chandler	10/24/2024	Missoula, MT	Plaintiffs
Douglas Skinner	10/25/2024	Cornerstone Chicago office 181 West Madison Street, 43rd Floor Chicago, IL	Google
David DeRamus	10/28/2024	Norton Rose Washington, DC Office 799 9th St NW Ste 1000 Washington, DC 20001	Plaintiffs
Itamar Simonson	10/29/2024	Axinn San Francisco office 55 Second Street San Francisco, CA	Google
Anindya Ghose	10/30/2024	Axinn DC office 1901 L Street NW Washington, DC	Google
Anil Somayaji	10/30/2024	Nashville, TN	Plaintiffs
Paul Milgrom	10/31/2024	Freshfields Silicon Valley office 855 Main Street Redwood City, CA	Google
Martin Rinard	11/1/2024	Axinn DC office 1901 L Street NW Washington, DC	Google
Jeffrey Andrien	11/1/2024	Norton Rose Austin Office 98 San Jacinto Boulevard, Suite 1100 Austin, TX 78701	Plaintiffs

From: GARRETT, Tyler <Tyler.Garrett@freshfields.com>

Sent: Sunday, September 15, 2024 10:54 PM

To: Geraldine W. Young <geraldine.young@nortonrosefulbright.com>; Zeke DeRose III <zeke.derose@lanierlawfirm.com>

Cc: Kathy Patrick <kpatrick@gibbsbruns.com>; rob.mccallum <rob.mccallum@freshfields.com>; Michael Doman <mdoman@gibbsbruns.com>; Marc B. Collier <marc.collier@nortonrosefulbright.com>; Jonathan Wilkerson <Jonathan.Wilkerson@LanierLawFirm.com>; Noah Heinz <noah.heinz@kellerpostman.com>; Eric.MAHR <Eric.MAHR@freshfields.com>; Charles M. Rosson <CRosson@gibbsbruns.com>; Hunsberger, James K. <jhunsberger@axinn.com>; Andrew.Ewalt <Andrew.Ewalt@freshfields.com>; LEONARD, Claire <Claire.Leonard@freshfields.com>; Trevor Young <Trevor.Young@oag.texas.gov>; ack <ack@kellerpostman.com>; alex.brown <alex.brown@lanierlawfirm.com>; John McBride <john.mcbride@nortonrosefulbright.com>; Alex Abston <Alex.Abston@LanierLawFirm.com>; Marisa Madaras <marisa.madaras@nortonrosefulbright.com>; HENDERSON, Andrew <Andrew.Henderson@freshfields.com>; BOSCO, Veronica <Veronica.Bosco@freshfields.com>; alebeck@gibbsbruns.com; mdavis <mdavis@gibbsbruns.com>

Subject: RE: Scheduling EDTX Expert Depositions

Hi Geraldine,

Hope you had a nice weekend. Thank you for confirming that formal deposition notices are not necessary. I can confirm that Sukkot does not pose a conflict for the attorneys involved in the Mathiowetz deposition; they remain available during the period from October 14 to 24. We'll look forward to hearing from you about rescheduling that and the Andrien deposition and ironing out the other open issues this week.

Best,
Tyler

From: Geraldine W. Young <geraldine.young@nortonrosefulbright.com>
Sent: Friday, September 13, 2024 5:31 PM
To: GARRETT, Tyler <Tyler.Garrett@freshfields.com>; Zeke DeRose III <zeke.derose@lanierlawfirm.com>
Cc: Kathy Patrick <kppatrick@gibbsbruns.com>; MCCALLUM, Robert <rob.mccallum@freshfields.com>; Michael Doman <mdoman@gibbsbruns.com>; Marc B. Collier <marc.collier@nortonrosefulbright.com>; Jonathan Wilkerson <Jonathan.Wilkerson@LanierLawFirm.com>; Noah Heinz <noah.heinz@kellerpostman.com>; MAHR, Eric (EJM) <Eric.MAHR@freshfields.com>; Charles M. Rosson <CRosson@gibbsbruns.com>; jhunsberger@axinn.com; EWALT, Andrew (AJE) <Andrew.Ewalt@freshfields.com>; LEONARD, Claire <Claire.Leonard@freshfields.com>; Trevor Young <Trevor.Young@oag.texas.gov>; ack <ack@kellerpostman.com>; alex.brown <alex.brown@lanierlawfirm.com>; John McBride <john.mcbride@nortonrosefulbright.com>; mdavis <mdavis@gibbsbruns.com>; Alex Abston <Alex.Abston@LanierLawFirm.com>; Marisa Madaras <marisa.madaras@nortonrosefulbright.com>; HENDERSON, Andrew <Andrew.Henderson@freshfields.com>; BOSCO, Veronica <Veronica.Bosco@freshfields.com>; alebeck@gibbsbruns.com; Geraldine W. Young <geraldine.young@nortonrosefulbright.com>
Subject: RE: Scheduling EDTX Expert Depositions

Tyler,

In lieu of formal deposition notices, this email and your reply to this email will serve as confirmation that the parties' expert witnesses will appear for deposition at the dates, times, and locations agreed to by the parties. The parties also agree that the following applies to all expert depositions going forward:

- The depositions will be conducted by oral examination before a certified court reporter authorized to administer oaths and will continue from day to day until completed (subject/pursuant to the previously agreed 7 hours on the record for each expert). The depositions will be recorded by stenographic means and by videotape. The depositions may be used for discovery, evidentiary, trial, and all other purposes permitted by the Federal Rules of Civil Procedure, Federal Rules of Evidence, the local rules of the United States District Court for the Eastern District of Texas, and all Orders entered by the Court.
- For the virtual deposition of Donna Hoffman, all Google counsel will also be virtual and not in-person with the witness.
- Taking attorneys will otherwise be in person, but observers can be over Zoom, so we will coordinate circulating the zoom link for those observing virtually.

We have included specific addresses below for the Norton Rose offices and, as communicated, will follow up regarding the other locations. **One change we need to make is to move Professor Gans's deposition from the Norton Rose Austin office to the Norton Rose Houston office, with the same date and start time. That change is highlighted below. We were just informed that the Norton Rose Austin office (which is moving floors) has changed its move date, so that space is no longer available. We've also noted the address for the DeRamus deposition below.

We also wanted to flag that we just learned that a close family member of Plaintiffs' expert Jeffrey Andrien recently passed away, and he will need to travel to the funeral on his Sept. 26 deposition date – we will follow up with an alternative date for his deposition.

Regarding your recent request on moving the Mathiowetz deposition, we do not know yet whether we can accommodate that change but will follow up. In the meantime, can you please re-confirm your proposed alternative dates (Oct. 14-24), as you had previously told us with respect to one of our proposed dates: "the proposed October 18 deposition date for Rebuttal Expert #3 doesn't work for us due to observance of a religious holiday (Sukkot)." Sukkot runs from Oct. 16-23, 2024, which conflicts with your proposal now.

Expert	Date	Location	Sponsor
Michael Baye	9/19/2024	The Biddle Hotel & Conference Center Indiana Memorial Union Bldg. 900 E 7th Street Bloomington, IN	Google
Jeffrey Andrien	[TBD]	Norton Rose Austin Office 98 San Jacinto Boulevard, Suite 1100 Austin, TX 78701-4255	Plaintiffs
Nancy Mathiowetz	10/1/2024	Norton Rose Chicago Office 1045 W. Fulton Market, Suite 1200 Chicago, IL 60607	Plaintiffs
Jacob Hochstetler	10/1/2024	Norton Rose Dallas Office 2200 Ross Avenue, Suite 3600 Dallas, TX 75201-7932	Plaintiffs
Donna Hoffman	10/2/2024	Virtual	Google
Matthew Weinberg	10/8/2024	Norton Rose NYC Office 1301 Avenue of the Americas New York, NY 10019-6022	Plaintiffs
Cynthia Rudin	10/9/2024	Chapel Hill, NC	Plaintiffs
Zubair Shafiq	10/9/2024	Norton Rose San Francisco Office 555 California Street, Suite 3300 San Francisco, CA 94104	Plaintiffs
Steve Wiggins	10/10/2024	Gibbs & Bruns Houston office 1100 Louisiana Street, Suite 5300 Houston, TX	Google
Joshua Gans	10/10/2024	Norton Rose Houston Office 1550 Lamar Street, Suite 2000 Houston, Texas 77010	Plaintiffs
Parag Pathak	10/14/2024	Boston, MA	Plaintiffs
John Chandler	10/24/2024	Missoula, MT	Plaintiffs
Douglas Skinner	10/25/2024	Cornerstone Chicago office 181 West Madison Street, 43rd Floor Chicago, IL	Google
David DeRamus	10/28/2024	Norton Rose Washington, DC Office 799 9th St NW Ste 1000 Washington, DC 20001	Plaintiffs
Itamar Simonson	10/29/2024	Axinn San Francisco office 55 Second Street San Francisco, CA	Google
Anindya Ghose	10/30/2024	Axinn DC office 1901 L Street NW Washington, DC	Google
Anil Somayaji	10/30/2024	Nashville, TN	Plaintiffs
Paul Milgrom	10/31/2024	Freshfields Silicon Valley office 855 Main Street Redwood City, CA	Google
Martin Rinard	11/1/2024	Axinn DC office 1901 L Street NW Washington, DC	Google

From: GARRETT, Tyler <Tyler.Garrett@freshfields.com>

Sent: Friday, September 13, 2024 12:56 PM

To: Geraldine W. Young <geraldine.young@nortonrosefulbright.com>; Zeke DeRose III <zeke.derosse@lanierlawfirm.com>

Cc: Kathy Patrick <kpatrick@gibbsbruns.com>; rob.mccallum <rob.mccallum@freshfields.com>; Michael Doman

<mdoman@gibbsbruns.com>; Marc B. Collier <marc.collier@nortonrosefulbright.com>; Jonathan Wilkerson <Jonathan.Wilkerson@LanierLawFirm.com>; Noah Heinz <noah.heinz@kellerpostman.com>; Eric.MAHR <Eric.MAHR@freshfields.com>; Charles M. Rosson <CRosson@gibbsbruns.com>; Hunsberger, James K. <jhunsberger@axinn.com>; Andrew.Ewalt <Andrew.Ewalt@freshfields.com>; LEONARD, Claire <Claire.Leonard@freshfields.com>; Trevor Young <Trevor.Young@oag.texas.gov>; ack <ack@kellerpostman.com>; alex.brown <alex.brown@lanierlawfirm.com>; John McBride <john.mcbride@nortonrosefulbright.com>; mdavis <mdavis@gibbsbruns.com>; Alex Abston <Alex.Abston@LanierLawFirm.com>; Marisa Madaras <marisa.madaras@nortonrosefulbright.com>; HENDERSON, Andrew <Andrew.Henderson@freshfields.com>; BOSCO, Veronica <Veronica.Bosco@freshfields.com>; alebeck <alebeck@gibbsbruns.com>

Subject: RE: Scheduling EDTX Expert Depositions

Zeke and Geraldine,

Due to some trial-related conflicts, we'd like to move the Mathiowitz deposition from the current date of October 1. We would be available to take the deposition in Chicago any weekday between October 14 and 24. Would plaintiffs be amenable to rescheduling for sometime during that window?

Best,
Tyler

From: GARRETT, Tyler

Sent: Friday, September 13, 2024 10:39 AM

To: Geraldine W. Young <geraldine.young@nortonrosefulbright.com>; Zeke DeRose III <zeke.derose@lanierlawfirm.com>

Cc: Kathy Patrick <kpatrick@gibbsbruns.com>; MCCALLUM, Robert <rob.mccallum@freshfields.com>; mdoman <mdoman@gibbsbruns.com>; Marc B. Collier <marc.collier@nortonrosefulbright.com>; Jonathan Wilkerson <Jonathan.Wilkerson@LanierLawFirm.com>; Noah Heinz <noah.heinz@kellerpostman.com>; MAHR, Eric (EJM) <Eric.MAHR@freshfields.com>; Charles M. Rosson <CRosson@gibbsbruns.com>; jhunsberger <jhunsberger@axinn.com>; EWALT, Andrew (AJE) <Andrew.Ewalt@freshfields.com>; LEONARD, Claire <Claire.Leonard@freshfields.com>; Trevor Young <Trevor.Young@oag.texas.gov>; ack <ack@kellerpostman.com>; alex.brown <alex.brown@lanierlawfirm.com>; John McBride <john.mcbride@nortonrosefulbright.com>; mdavis <mdavis@gibbsbruns.com>; Alex Abston <Alex.Abston@LanierLawFirm.com>; Marisa Madaras <marisa.madaras@nortonrosefulbright.com>; HENDERSON, Andrew <Andrew.Henderson@freshfields.com>; BOSCO, Veronica <Veronica.Bosco@freshfields.com>; alebeck <alebeck@gibbsbruns.com>

Subject: RE: Scheduling EDTX Expert Depositions

Hi Geraldine,

Given that we are approaching the first depositions in this case, we would appreciate your confirmation today that Plaintiffs agree that experts listed in the table in my email below will appear for deposition at the dates, times, and locations indicated in the table as agreed to by the parties, without the need for formal notices.

Best,
Tyler

From: GARRETT, Tyler

Sent: Tuesday, September 10, 2024 6:10 PM

To: Geraldine W. Young <geraldine.young@nortonrosefulbright.com>; Zeke DeRose III <zeke.derose@lanierlawfirm.com>

Cc: Kathy Patrick <kpatrick@gibbsbruns.com>; MCCALLUM, Robert <rob.mccallum@freshfields.com>; mdoman <mdoman@gibbsbruns.com>; Marc B. Collier <marc.collier@nortonrosefulbright.com>; Jonathan Wilkerson <Jonathan.Wilkerson@LanierLawFirm.com>; Noah Heinz <noah.heinz@kellerpostman.com>; MAHR, Eric (EJM) <Eric.MAHR@freshfields.com>; Charles M. Rosson <CRosson@gibbsbruns.com>; jhunsberger <jhunsberger@axinn.com>; EWALT, Andrew (AJE) <Andrew.Ewalt@freshfields.com>; LEONARD, Claire <Claire.Leonard@freshfields.com>; Trevor Young <Trevor.Young@oag.texas.gov>; ack <ack@kellerpostman.com>; alex.brown <alex.brown@lanierlawfirm.com>; John McBride <john.mcbride@nortonrosefulbright.com>; mdavis <mdavis@gibbsbruns.com>; Alex Abston <Alex.Abston@LanierLawFirm.com>; Marisa Madaras <marisa.madaras@nortonrosefulbright.com>; HENDERSON,

Andrew <Andrew.Henderson@freshfields.com>; BOSCO, Veronica <Veronica.Bosco@freshfields.com>

Subject: RE: Scheduling EDTX Expert Depositions

Hi Geraldine and Zeke,

The specific location for the Michael Baye deposition is the Biddle Hotel & Conference Center, Indiana Memorial Union Bldg., 900 E 7th Street, Bloomington, IN. As the parties agreed, the default start time is 9am local time, which makes the start time for the Baye deposition 9am ET (rather than 9am CT). The point of contact regarding deposition logistics is Veronica Bosco (Veronica.Bosco@freshfields.com).

On the subject of deposition locations, we have also secured the specific location for the deposition of Douglas Skinner and are updating the location for the Itamar Simonson deposition (now to be conducted at Axinn's San Francisco office, as opposed to Freshfields' Silicon Valley office). We are also providing specific addresses for the law firm offices hosting the depositions. All these details are included in the table below.

Recognizing your note that Plaintiffs would follow up next week regarding logistics of the depositions of their experts without specific locations, when providing those locations, would Plaintiffs also be able to provide us the specific addresses of the law firm offices hosting the other depositions?

Expert	Date	Location	Sponsor
Michael Baye	9/19/2024	The Biddle Hotel & Conference Center Indiana Memorial Union Bldg. 900 E 7th Street Bloomington, IN	Google
Jeffrey Andrien	9/26/2024	Norton Rose Austin office	Plaintiffs
Nancy Mathiowetz	10/1/2024	Norton Rose Chicago office	Plaintiffs
Jacob Hochstetler	10/1/2024	Norton Rose Dallas office	Plaintiffs
Donna Hoffman	10/2/2024	Virtual	Google
Matthew Weinberg	10/8/2024	Norton Rose NYC office	Plaintiffs
Cynthia Rudin	10/9/2024	Chapel Hill, NC	Plaintiffs
Zubair Shafiq	10/9/2024	Norton Rose San Francisco office	Plaintiffs
Steve Wiggins	10/10/2024	Gibbs & Bruns Houston office 1100 Louisiana Street, Suite 5300 Houston, TX	Google
Joshua Gans	10/10/2024	Norton Rose Austin office	Plaintiffs
Parag Pathak	10/14/2024	Boston, MA	Plaintiffs
John Chandler	10/24/2024	Missoula, MT	Plaintiffs
Douglas Skinner	10/25/2024	Cornerstone Chicago office 181 West Madison Street, 43rd Floor Chicago, IL	Google
David DeRamus	10/28/2024	Washington, DC	Plaintiffs
Itamar Simonson	10/29/2024	Axinn San Francisco office 55 Second Street San Francisco, CA	Google
Anindya Ghose	10/30/2024	Axinn DC office 1901 L Street NW Washington, DC	Google
Anil Somayaji	10/30/2024	Nashville, TN	Plaintiffs
Paul Milgrom	10/31/2024	Freshfields Silicon Valley office 855 Main Street Redwood City, CA	Google
Martin Rinard	11/1/2024	Axinn DC office 1901 L Street NW Washington, DC	Google

Lastly, we would appreciate if you could please confirm that, in lieu of and without the need for formal notices, the parties have stipulated that the experts listed in the table above will appear for deposition at the dates, times, and locations indicated in the table above and as agreed to by the parties.

Please let me know if there are any issues for us to discuss.

Best,
Tyler

From: Geraldine W. Young <geraldine.young@nortonrosefulbright.com>
Sent: Tuesday, September 10, 2024 4:12 PM
To: Zeke DeRose III <zeke.derose@lanierlawfirm.com>; GARRETT, Tyler <Tyler.Garrett@freshfields.com>
Cc: Kathy Patrick <kpatrick@gibbsbruns.com>; MCCALLUM, Robert <rob.mccallum@freshfields.com>; mdoman <mdoman@gibbsbruns.com>; Marc B. Collier <marc.collier@nortonrosefulbright.com>; Jonathan Wilkerson <Jonathan.Wilkerson@LanierLawFirm.com>; Noah Heinz <noah.heinz@kellerpostman.com>; MAHR, Eric (EJM) <Eric.MAHR@freshfields.com>; Charles M. Rosson <CRosson@gibbsbruns.com>; jhunsberger@axinn.com; EWALT, Andrew (AJE) <Andrew.Ewalt@freshfields.com>; LEONARD, Claire <Claire.Leonard@freshfields.com>; Trevor Young <Trevor.Young@oag.texas.gov>; ack <ack@kellerpostman.com>; alex.brown <alex.brown@lanierlawfirm.com>; John McBride <john.mcbride@nortonrosefulbright.com>; mdavis <mdavis@gibbsbruns.com>; Alex Abston <Alex.Abston@LanierLawFirm.com>; Marisa Madaras <marisa.madaras@nortonrosefulbright.com>
Subject: RE: Scheduling EDTX Expert Depositions

Tyler,

Can you all please provide us tomorrow, at the latest, with the location in Bloomington, IN for Michael Baye's depo, scheduled for next Thursday, 9/19? Please also confirm the start time of 9 AM CT. We need to arrange travel and the court reporter. From our end, we anticipate 4 people attending: 2 lawyers, court reporter, and videographer, so please make sure there will be sufficient space as well. Additionally, let us know when the location will be open on 9/19 for set up, and who is your point of contact for our videographer to coordinate set up. As the parties agreed, taking attorneys will be in person, but observers can be over Zoom, so we will coordinate circulating the zoom link for those observing virtually.

We have also filled in our rebuttal experts in the chart below:

Expert	Date	Location	Sponsor
Michael Baye	9/19/2024	Bloomington, IN	Google
Jeffrey Andrien	9/26/2024	Norton Rose Austin office	Plaintiffs
Rebuttal Expert #4 Nancy Mathiowetz	10/1/2024	Norton Rose Chicago office	Plaintiffs
Jacob Hochstetler	10/1/2024	Norton Rose Dallas office	Plaintiffs
Donna Hoffman	10/2/2024	Virtual	Google
Matthew Weinberg	10/8/2024	Norton Rose NYC office	Plaintiffs
Rebuttal Expert #1 Cynthia Rudin	10/9/2024	Chapel Hill, NC	Plaintiffs
Rebuttal Expert #2 Zubair Shafiq	10/9/2024	Norton Rose San Francisco office	Plaintiffs
Steve Wiggins	10/10/2024	Gibbs & Bruns Houston office	Google
Joshua Gans	10/10/2024	Norton Rose Austin office	Plaintiffs
Parag Pathak	10/14/2024	Boston, MA	Plaintiffs
John Chandler	10/24/2024	Missoula, MT	Plaintiffs
Douglas Skinner	10/25/2024	Chicago, IL	Google
Rebuttal Expert #5 David DeRamus	10/28/2024	Washington, DC	Plaintiffs
Itamar Simonson	10/29/2024	Freshfields Silicon Valley office	Google
Anindya Ghose	10/30/2024	Axinn DC office	Google
Rebuttal Expert #3 Anil Somayaji	10/30/2024	Nashville, TN	Plaintiffs
Paul Milgrom	10/31/2024	Freshfields Silicon Valley office	Google
Martin Rinard	11/1/2024	Axinn DC office	Google

We will follow up (likely next week) regarding the logistics of the other depositions in October without specific locations.

Thanks, Geraldine

From: Zeke DeRose III <Zeke.DeRose@LanierLawFirm.com>
Sent: Saturday, September 7, 2024 8:29 AM
To: GARRETT, Tyler <Tyler.Garrett@freshfields.com>
Cc: Kathy Patrick <kpatrick@gibbsbruns.com>; rob.mccallum <rob.mccallum@freshfields.com>; Geraldine W. Young <geraldine.young@nortonrosefulbright.com>; Michael Doman <mdoman@gibbsbruns.com>; Marc B. Collier <marc.collier@nortonrosefulbright.com>; Jonathan Wilkerson <Jonathan.Wilkerson@LanierLawFirm.com>; Noah Heinz <noah.heinz@kellerpostman.com>; Eric.MAHR <Eric.MAHR@freshfields.com>; Charles M. Rosson <CRosson@gibbsbruns.com>; Hunsberger, James K. <jhunsberger@axinn.com>; Andrew.Ewalt <Andrew.Ewalt@freshfields.com>; LEONARD, Claire <Claire.Leonard@freshfields.com>; Trevor Young <Trevor.Young@oag.texas.gov>; ack <ack@kellerpostman.com>; alex.brown <alex.brown@lanierlawfirm.com>; John McBride <john.mcbride@nortonrosefulbright.com>; Michael Davis <MDavis@gibbsbruns.com>; Alex Abston <Alex.Abston@LanierLawFirm.com>
Subject: Re: Scheduling EDTX Expert Depositions

[External Email – Use Caution]

Thank you, Tyler and team for the quick response. We agree to the dates and locations in the below table.

See you in two weeks.

Zeke

From: "GARRETT, Tyler" <Tyler.Garrett@freshfields.com>
Date: Thursday, September 5, 2024 at 5:56 PM
To: Zeke DeRose III <Zeke.DeRose@LanierLawFirm.com>
Cc: Kathy Patrick <kpatrick@gibbsbruns.com>, "MCALLUM, Robert" <rob.mccallum@freshfields.com>, "Geraldine W. Young" <geraldine.young@nortonrosefulbright.com>, Michael Doman <mdoman@gibbsbruns.com>, "Marc B. Collier" <marc.collier@nortonrosefulbright.com>, Jonathan Wilkerson <Jonathan.Wilkerson@LanierLawFirm.com>, Noah Heinz <noah.heinz@kellerpostman.com>, "MAHR, Eric (EJM)" <Eric.MAHR@freshfields.com>, "Charles M. Rosson" <CRosson@gibbsbruns.com>, "jhunsberger@axinn.com" <jhunsberger@axinn.com>, "EWALT, Andrew (AJE)" <Andrew.Ewalt@freshfields.com>, "LEONARD, Claire" <Claire.Leonard@freshfields.com>, Trevor Young <Trevor.Young@oag.texas.gov>, Ashley Keller <ack@kellerpostman.com>, "Alex J. Brown" <Alex.Brown@LanierLawFirm.com>, John McBride <john.mcbride@nortonrosefulbright.com>, Michael Davis <MDavis@gibbsbruns.com>, Alex Abston <Alex.Abston@LanierLawFirm.com>
Subject: RE: Scheduling EDTX Expert Depositions

Hi Zeke,

While we disagree with many of the points in your last email, we think it will be more productive to focus instead on trying to reach a resolution.

To that end, we believe that the parties are now in agreement that expert depositions will occur on the dates and in the locations specified in the following table:

Expert	Date	Location	Sponsor
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Michael Baye	9/19/2024	Bloomington, IN	Google
Jeffrey Andrien	9/26/2024	Norton Rose Austin office	Plaintiffs
Rebuttal Expert #4	10/1/2024	Norton Rose Chicago office	Plaintiffs
Jacob Hochstetler	10/1/2024	Norton Rose Dallas office	Plaintiffs
Donna Hoffman	10/2/2024	Virtual	Google
Matthew Weinberg	10/8/2024	Norton Rose NYC office	Plaintiffs
Rebuttal Expert #1	10/9/2024	Chapel Hill, NC	Plaintiffs
Rebuttal Expert #2	10/9/2024	Norton Rose San Francisco office	Plaintiffs
Steve Wiggins	10/10/2024	Gibbs & Bruns Houston office	Google
Joshua Gans	10/10/2024	Norton Rose Austin office	Plaintiffs
Parag Pathak	10/14/2024	Boston, MA	Plaintiffs
John Chandler	10/24/2024	Missoula, MT	Plaintiffs
Douglas Skinner	10/25/2024	Chicago, IL	Google
Rebuttal Expert #5	10/28/2024	Washington, DC	Plaintiffs
Itamar Simonson	10/29/2024	Freshfields Silicon Valley office	Google
Anindya Ghose	10/30/2024	Axinn DC office	Google
Rebuttal Expert #3	10/30/2024	Nashville, TN	Plaintiffs
Paul Milgrom	10/31/2024	Freshfields Silicon Valley office	Google
Martin Rinard	11/1/2024	Axinn DC office	Google

Please confirm that Plaintiffs agree to this schedule or if there are any issues for us to discuss.

Best,
Tyler

From: Zeke DeRose III <Zeke.DeRose@LanierLawFirm.com>

Sent: Thursday, September 5, 2024 1:28 AM

To: GARRETT, Tyler <Tyler.Garrett@freshfields.com>

Cc: Kathy Patrick <kpatrick@gibbsbruns.com>; MCCALLUM, Robert <rob.mccallum@freshfields.com>; Geraldine W. Young <geraldine.young@nortonrosefulbright.com>; Michael Doman <mdoman@gibbsbruns.com>; Marc B. Collier <marc.collier@nortonrosefulbright.com>; Jonathan Wilkerson <Jonathan.Wilkerson@LanierLawFirm.com>; Noah Heinz <noah.heinz@kellerpostman.com>; MAHR, Eric (EJM) <Eric.MAHR@freshfields.com>; Charles M. Rosson <CRosson@gibbsbruns.com>; jhunsberger@axinn.com; EWALT, Andrew (AJE) <Andrew.Ewalt@freshfields.com>; LEONARD, Claire <Claire.Leonard@freshfields.com>; Trevor Young <Trevor.Young@oag.texas.gov>; Ashley Keller <ack@kellerpostman.com>; Alex J. Brown <Alex.Brown@LanierLawFirm.com>; John McBride <john.mcbride@nortonrosefulbright.com>; Michael Davis <MDavis@gibbsbruns.com>; Alex Abston <Alex.Abston@LanierLawFirm.com>

Subject: Re: Scheduling EDTX Expert Depositions

Rob and Tyler,

We are happy to meet and confer, but we believe this should be rather simple and straightforward.

As you know, given your experts' complex schedules, securing dates is challenging and Google's delay in turning around confirmations is unnecessarily dragging this process out. On Friday, August 23, we accepted all of Google's proposed expert deposition dates and locations in under 24 hours, without hesitation.

Due to your trial schedule, we asked our taking and defending attorneys to adjust their schedules to accommodate your 5 experts' two-week trial delay and lack of wholesale lack of flexibility. We have intentionally been overly accommodating throughout this entire exchange. For example, Plaintiffs have:

- scheduled depositions around Google's experts' trial schedules;

- accepted that Google is unwilling to adjust any depositions even if Google's trial ends early;
- accepted that Google wants essentially two weeks off after the EDVA Trial before depositions take place;
- provided multiple deposition date options for Plaintiffs' experts' depositions (despite Google only offering one date for each expert);
- agreeing to Google's dates even though Google stacked the last 5 depositions on back-to-back days on both coasts;
- offered general explanations of undisclosed rebuttal experts to assist Google with attorney scheduling;
- accepted that Google wants in person depositions;
- accommodated a Zoom deposition request without demanding a reciprocal response or asking any questions;
- adjusted to Google's "double tracking" by selecting dates in which Plaintiffs will have multiple expert depositions proceeding forward on the same day, at the same time, in different locations; and
- attempted to adjust the entire deposition schedule around any religious observances and/or federal holidays.

Although we are unsure how Google is unable to find one attorney, out of the many who have made appearances in this case, that does not have a religious objection to any of the discussed dates, we, once again, have gone back to our experts for additional dates. Given that Plaintiffs have allowed the "double tracking"/stacking of multiple expert depositions on one day (i.e., 10/1 and 10/9) and that the deposition schedule during the week of 10/30 is due to Google's conflicts, we are optimistic that Google will not object to multiple depositions proceeding forward on the same day.

Additionally, we are more than happy to conduct these depositions by Zoom, and we are also willing to start the deposition at an earlier time (i.e., 8AM CST as opposed to 9AM CST) in order to accommodate any religious sundown restrictions.

Rebuttal Expert #3: Throughout this process, we have discussed four deposition dates for Rebuttal Expert #3: 9/13 (we offered; Google declined); 10/4 (we offered without obligation; Google declined due to Rosh Hashanah); 10/15 (Google offered; Plaintiffs' expert has a scheduling conflict); and 10/18 (we offered; Google declined due to Sukkot). Google is now offering 10/7 which unfortunately does not work for Plaintiffs. Please let us know if Google is available to take the deposition of this expert on Wednesday, 10/30, in Nashville, TN.

Gans: Professor Gans accepts your Thursday, 10/10 deposition date in Austin, Texas. Once again, Plaintiffs were under no obligation to provide Google with multiple dates during the disclosure, but did so in order to expedite this process. In the spirit of cooperation, we notified Google as soon as we became aware that the 10/7 date would no longer work.

Finally, as discussed with Rob early on, we are hopeful this can be a cooperative discussion between the parties and not simply a set of one-way demands by Google. If you would like to meet and confer, please provide us with your times and dates of availability. Plaintiffs can make themselves available any time on Thursday, 9/5, or Friday, 9/6.

We thank you for your flexibility.

Zeke

From: "GARRETT, Tyler" <Tyler.Garrett@freshfields.com>

Date: Wednesday, September 4, 2024 at 12:12 PM

To: Zeke DeRose III <Zeke.DeRose@LanierLawFirm.com>

Cc: Kathy Patrick <kpatrick@gibbsbruns.com>, "MCCALLUM, Robert" <rob.mccallum@freshfields.com>, "Geraldine W. Young" <geraldine.young@nortonrosefulbright.com>, Michael Doman

<mdoman@gibbsbruns.com>, "Marc B. Collier" <marc.collier@nortonrosefulbright.com>, Jonathan Wilkerson <Jonathan.Wilkerson@LanierLawFirm.com>, Noah Heinz <noah.heinz@kellerpostman.com>, "MAHR, Eric (EJM)" <Eric.MAHR@freshfields.com>, "Charles M. Rosson" <CRosson@gibbsbruns.com>, "jhunsberger@axinn.com" <jhunsberger@axinn.com>, "EWALT, Andrew (AJE)" <Andrew.Ewalt@freshfields.com>, "LEONARD, Claire" <Claire.Leonard@freshfields.com>, Trevor Young <Trevor.Young@oag.texas.gov>, Ashley Keller <ack@kellerpostman.com>, "Alex J. Brown" <Alex.Brown@LanierLawFirm.com>, John McBride <john.mcbride@nortonrosefulbright.com>, Michael Davis <MDavis@gibbsbruns.com>, Alex Abston <Alex.Abston@LanierLawFirm.com>, Alex Abston <Alex.Abston@LanierLawFirm.com>

Subject: RE: Scheduling EDTX Expert Depositions

Hi Zeke,

Unfortunately, the proposed October 18 deposition date for Rebuttal Expert #3 doesn't work for us due to observance of a religious holiday (Sukkot). We propose to take Rebuttal Expert #3's deposition on October 7 in Nashville, Tennessee. If necessary, we could also take the deposition on October 8 or 10, but those dates would be less convenient for attorneys traveling to Chapel Hill, North Carolina for the deposition of Rebuttal Expert #1 on October 9.

Similarly, October 11 doesn't work for Professor Gans's deposition because Yom Kippur begins at sundown that evening and the deposition requires travel to Austin, Texas. We were surprised by your August 30 statement that "October 7th no longer works for the Joshua Gans deposition" because your August 26 email noted that you had "provided two dates for Google to choose from" for Professor Gans's deposition (including October 7) and we confirmed our choice of October 7 on August 28. If Plaintiffs decline to make Professor Gans available for deposition on October 7, please explain what circumstances changed after August 26 such that October 7 now "no longer works" and let us know whether Professor Gans is available to be deposed on October 8, 9, and/or 10 in Austin.

We are happy to meet and confer on these issues.

Best,
Tyler

From: Zeke DeRose III <Zeke.DeRose@LanierLawFirm.com>

Sent: Friday, August 30, 2024 10:01 PM

To: GARRETT, Tyler <Tyler.Garrett@freshfields.com>

Cc: Kathy Patrick <kpatrick@gibbsbruns.com>; MCCALLUM, Robert <rob.mccallum@freshfields.com>; Geraldine W. Young <geraldine.young@nortonrosefulbright.com>; Michael Doman <mdoman@gibbsbruns.com>; Marc B. Collier <marc.collier@nortonrosefulbright.com>; Jonathan Wilkerson <Jonathan.Wilkerson@LanierLawFirm.com>; Noah Heinz <noah.heinz@kellerpostman.com>; MAHR, Eric (EJM) <Eric.MAHR@freshfields.com>; Charles M. Rosson <CRosson@gibbsbruns.com>; jhunsberger@axinn.com; EWALT, Andrew (AJE) <Andrew.Ewalt@freshfields.com>; LEONARD, Claire <Claire.Leonard@freshfields.com>; Trevor Young <Trevor.Young@oag.texas.gov>; ack <ack@kellerpostman.com>; Alex J. Brown <Alex.Brown@LanierLawFirm.com>; John McBride <john.mcbride@nortonrosefulbright.com>; Michael Davis <MDavis@gibbsbruns.com>; Alex Abston <Alex.Abston@LanierLawFirm.com>; Alex Abston <Alex.Abston@LanierLawFirm.com>

Subject: Re: Scheduling EDTX Expert Depositions

Hi Tyler,

Thank you for your response.

After further review, Rebuttal Expert #3 has a scheduling conflict with October 15th. In the spirit of cooperation, we are able to offer Friday, October 18th as an alternative, please let us know as soon as possible if you accept this date.

Also, it has come to our attention that Monday, October 7th no longer works for the Joshua Gans deposition. Would Google be amenable to moving the deposition to Gans' alternative date of Friday, October 11th?

In conclusion, we agree to the following deposition dates and locations, pending the above discussion:

Expert	Date	Location	Sponsor
Michael Baye	9/19/2024	Bloomington, IN	Google
Jeffrey Andrien	9/26/2024	Norton Rose Austin office	Plaintiffs
Rebuttal Expert #4	10/1/2024	Norton Rose Chicago office	Plaintiffs
Jacob Hochstetler	10/1/2024	Norton Rose Dallas office	Plaintiffs
Donna Hoffman	10/2/2024	Virtual	Google
Joshua Gans	pending	Norton Rose Austin office	Plaintiffs
Matthew Weinberg	10/8/2024	Norton Rose NYC office	Plaintiffs
Rebuttal Expert #1	10/9/2024	Chapel Hill, NC	Plaintiffs
Rebuttal Expert #2	10/9/2024	Norton Rose San Francisco office	Plaintiffs
Steve Wiggins	10/10/2024	Gibbs & Bruns Houston office	Google
Parag Pathak	10/14/2024	Boston, MA	Plaintiffs
Rebuttal Expert #3	pending	Nashville, TN	Plaintiffs
John Chandler	10/24/2024	Missoula, MT	Plaintiffs
Douglas Skinner	10/25/2024	Chicago, IL	Google
Rebuttal Expert #5	10/28/2024	Washington, DC	Plaintiffs
Itamar Simonson	10/29/2024	Freshfields Silicon Valley office	Google
Anindya Ghose	10/30/2024	Axinn DC office	Google
Paul Milgrom	10/31/2024	Freshfields Silicon Valley office	Google
Martin Rinard	11/1/2024	Axinn DC office	Google

We are happy to meet and confer further on the above dates and scheduling issues. Thank you in advance for your flexibility.

Thank you,
Zeke

From: "GARRETT, Tyler" <Tyler.Garrett@freshfields.com>
Date: Wednesday, August 28, 2024 at 11:30 AM
To: Zeke DeRose III <Zeke.DeRose@LanierLawFirm.com>
Cc: Kathy Patrick <kpatrick@gibbsbruns.com>, "MCALLUM, Robert" <rob.mccallum@freshfields.com>, "Geraldine W. Young" <geraldine.young@nortonrosefulbright.com>, Michael Doman <mdoman@gibbsbruns.com>, "Marc B. Collier" <marc.collier@nortonrosefulbright.com>, Jonathan Wilkerson <Jonathan.Wilkerson@LanierLawFirm.com>, Noah Heinz <noah.heinz@kellerpostman.com>, "MAHR, Eric (EJM)" <Eric.MAHR@freshfields.com>, "Charles M. Rosson" <CRosson@gibbsbruns.com>, "jhunsberger@axinn.com" <jhunsberger@axinn.com>, "EWALT, Andrew (AJE)" <Andrew.Ewalt@freshfields.com>, "LEONARD, Claire" <Claire.Leonard@freshfields.com>, Trevor Young <Trevor.Young@oag.texas.gov>, Ashley Keller <ack@kellerpostman.com>, "Alex J. Brown" <Alex.Brown@LanierLawFirm.com>, John McBride <john.mcbride@nortonrosefulbright.com>, Michael Davis <MDavis@gibbsbruns.com>, Alex Abston <Alex.Abston@LanierLawFirm.com>, Alex Abston <Alex.Abston@LanierLawFirm.com>
Subject: RE: Scheduling EDTX Expert Depositions

Hi Zeke,

We appreciate the general descriptions of the topics to be addressed in reports of Plaintiffs' five not-yet-identified rebuttal experts. Based on that information, we are able to accept the proposed dates for Plaintiffs' six identified experts and for Plaintiffs' Rebuttal Experts # 1, 2, 4, and 5.

With respect to Rebuttal Expert #3, Plaintiffs proposed that the deposition occur on September 13 (only 4 days after service of a likely detailed, technical report) or October 4 (the second day of Rosh Hashanah). To afford Google sufficient time to prepare for the deposition, avoid conflicts with religious holidays, and minimize double-tracking as much as possible, Google proposes that the deposition of Rebuttal Expert #3 take place on October 15.

In short, Google is prepared to accept the expert deposition dates and locations summarized in the following table:

Expert	Date	Location	Sponsor
Michael Baye	9/19/2024	Bloomington, IN	Google
Jeffrey Andrien	9/26/2024	Norton Rose Austin office	Plaintiffs
Rebuttal Expert #4	10/1/2024	Norton Rose Chicago office	Plaintiffs
Jacob Hochstetler	10/1/2024	Norton Rose Dallas office	Plaintiffs
Donna Hoffman	10/2/2024	Virtual	Google
Joshua Gans	10/7/2024	Norton Rose Austin office	Plaintiffs
Matthew Weinberg	10/8/2024	Norton Rose NYC office	Plaintiffs
Rebuttal Expert #1	10/9/2024	Chapel Hill, NC	Plaintiffs
Rebuttal Expert #2	10/9/2024	Norton Rose San Francisco office	Plaintiffs
Steve Wiggins	10/10/2024	Gibbs & Bruns Houston office	Google
Parag Pathak	10/14/2024	Boston, MA	Plaintiffs
Rebuttal Expert #3	10/15/2024	Nashville, TN	Plaintiffs
John Chandler	10/24/2024	Missoula, MT	Plaintiffs
Douglas Skinner	10/25/2024	Chicago, IL	Google
Rebuttal Expert #5	10/28/2024	Washington, DC	Plaintiffs
Itamar Simonson	10/29/2024	Freshfields Silicon Valley office	Google
Anindya Ghose	10/30/2024	Axinn DC office	Google
Paul Milgrom	10/31/2024	Freshfields Silicon Valley office	Google
Martin Rinard	11/1/2024	Axinn DC office	Google

Please confirm that these dates and locations are acceptable to Plaintiffs. We are available to meet and confer further regarding a date for Rebuttal Expert #3 if needed.

Best,
Tyler

From: Zeke DeRose III <Zeke.DeRose@LanierLawFirm.com>

Sent: Monday, August 26, 2024 12:58 AM

To: GARRETT, Tyler <Tyler.Garrett@freshfields.com>

Cc: Kathy Patrick <kpatrick@gibbsbruns.com>; MCCALLUM, Robert <rob.mccallum@freshfields.com>; Geraldine W. Young <geraldine.young@nortonrosefulbright.com>; Michael Doman <mdoman@gibbsbruns.com>; Marc B. Collier <marc.collier@nortonrosefulbright.com>; Jonathan Wilkerson <Jonathan.Wilkerson@LanierLawFirm.com>; Noah Heinz <noah.heinz@kellerpostman.com>; MAHR, Eric (EJM) <Eric.MAHR@freshfields.com>; Charles M. Rosson <CRosson@gibbsbruns.com>; jhunsberger@axinn.com; EWALT, Andrew (AJE) <Andrew.Ewalt@freshfields.com>; LEONARD, Claire <Claire.Leonard@freshfields.com>; Trevor Young <Trevor.Young@oag.texas.gov>; ack <ack@kellerpostman.com>; Alex J. Brown <Alex.Brown@LanierLawFirm.com>; John McBride <john.mcbride@nortonrosefulbright.com>; Michael Davis <MDavis@gibbsbruns.com>; Alex Abston <Alex.Abston@LanierLawFirm.com>; Alex Abston <Alex.Abston@LanierLawFirm.com>

Subject: Re: Scheduling EDTX Expert Depositions

Hi Tyler,

Thank you for your email. I look forward to working with you on this case and have provided descriptions of the non-yet identified experts below.

As you can appreciate, Google's expert reports are not one-for-one responses to the States' opening reports and a given Google report often references multiple opening reports/topics. Accordingly, State rebuttal reports are not necessarily rebutting a single Google report or topic, however, we have provided a generalized subject matter and reserve all rights related to the below reports.

But for scheduling purposes, here are the topics of the non-yet issued rebuttal reports:

- Rebuttal Only Expert #1 (Technical Analysis/Machine Learning/Data Science)
- Rebuttal Only Expert #2 Technical Analysis/Security)
- Rebuttal Only Expert #3 (Technical Analysis)
- Rebuttal Only Expert #4 (Survey)
- Rebuttal Only Expert #5 (Deterrence/Penalties)

Scheduling

Additionally, Google has noted that four of its experts (Simonson, Ghose, Milgrom, and Rinard) are only available on a single back-to-back day over the course of 2 months (including the EDVA trial) and that it is unlikely Google will be able to move up those expert depositions even if the trial ends early—we appreciate your willingness to revisit this issue depending on the EDVA trial.

After Google provided a single date for its experts, we uniformly accepted Google's dates and provided the non-conflicting dates that five of our experts are available. You are correct that Google has not yet "accepted" these dates, however, it should be noted—just as Google made clear with its experts around the Halloween holiday—those are the dates our experts are currently available.

We have though out of courtesy provided two dates for Google to choose from that our remaining six experts are currently available (Andrien, Pathak, Hochstetler, Gans, Rebuttal #3, and Rebuttal #4).

We are of course open to a conversation about accommodating schedules.

We look forward to getting Google's confirmations so the parties can start planning accordingly.

Please feel free to reach out with any questions,

Zeke
512.940.6574

From: "GARRETT, Tyler" <Tyler.Garrett@freshfields.com>
Date: Friday, August 23, 2024 at 3:54 PM
To: Zeke DeRose III <Zeke.DeRose@LanierLawFirm.com>
Cc: Kathy Patrick <kpatrick@gibbsbruns.com>, "MCCALLUM, Robert" <rob.mccallum@freshfields.com>, "Geraldine W. Young" <geraldine.young@nortonrosefulbright.com>, Michael Doman <mdoman@gibbsbruns.com>, "Marc B. Collier" <marc.collier@nortonrosefulbright.com>, Jonathan Wilkerson <Jonathan.Wilkerson@LanierLawFirm.com>, Noah Heinz <noah.heinz@kellerpostman.com>, "MAHR, Eric (EJM)" <Eric.MAHR@freshfields.com>, "Charles M. Rosson" <CRosson@gibbsbruns.com>, "jhunsberger@axinn.com" <jhunsberger@axinn.com>, "EWALT, Andrew (AJE)" <Andrew.Ewalt@freshfields.com>, "LEONARD, Claire" <Claire.Leonard@freshfields.com>, Trevor Young <Trevor.Young@oag.texas.gov>, Ashley Keller <ack@kellerpostman.com>, "Alex J. Brown" <Alex.Brown@LanierLawFirm.com>, John McBride <john.mcbride@nortonrosefulbright.com>, Michael Davis <MDavis@gibbsbruns.com>, Alex Abston <Alex.Abston@LanierLawFirm.com>, Alex Abston <Alex.Abston@LanierLawFirm.com>, "Courtney M. Walton" <Courtney.Walton@LanierLawFirm.com>
Subject: RE: Scheduling EDTX Expert Depositions

Hi Zeke,

Thank you for agreeing to the dates and locations that Google proposed for the depositions of its experts. Due to the experts' schedules, we do not currently expect that we would be able to move up the deposition dates offered for the week of October 27 if the EDVA trial concludes earlier than expected, but we would be willing to revisit the issue in the event that we find ourselves in that situation.

To agree on a complete deposition schedule, we will need to know the general subject matter of the rebuttal reports for plaintiffs' five not-yet-identified experts and the Google experts to which they are responding. As I'm sure you can understand, that information is necessary for us to check with the appropriate attorney who handles the applicable subject matter to determine availability. Please let us know if you are able to provide that information.

Your email has a table of "Parties' Accepted Dates" for certain experts, but we have not yet reached agreements on dates for the depositions of plaintiffs' experts and need to resolve the rebuttal-expert point before we can do that.

With respect to logistics, thank you for confirming that the parties have agreed that expert depositions will be limited to one day with no more than 7 hours of on-the-record questioning and will commence at 9 am local time (absent extenuating circumstances). Google is willing to agree that counsel may attend expert depositions by Zoom (regardless of whether counsel are actively taking, defending, or assisting with the depositions).

Please let us know if you would like to discuss any of these matters.

Best,
Tyler

From: Zeke DeRose III <Zeke.DeRose@LanierLawFirm.com>
Sent: Friday, August 23, 2024 2:07 PM
To: GARRETT, Tyler <Tyler.Garrett@freshfields.com>
Cc: Kathy Patrick <kpatrick@gibbsbruns.com>; MCCALLUM, Robert <rob.mccallum@freshfields.com>; Geraldine W. Young <geraldine.young@nortonrosefulbright.com>; Michael Doman <mdoman@gibbsbruns.com>; Marc B. Collier <marc.collier@nortonrosefulbright.com>; Jonathan Wilkerson <Jonathan.Wilkerson@LanierLawFirm.com>; Noah Heinz <noah.heinz@kellerpostman.com>; MAHR, Eric (EJM) <Eric.MAHR@freshfields.com>; Charles M. Rosson <CRosson@gibbsbruns.com>; jhunsberger@axinn.com; EWALT, Andrew (AJE) <Andrew.Ewalt@freshfields.com>; LEONARD, Claire <Claire.Leonard@freshfields.com>; Trevor Young <Trevor.Young@oag.texas.gov>; ack <ack@kellerpostman.com>; Alex J. Brown <Alex.Brown@LanierLawFirm.com>; John McBride <john.mcbride@nortonrosefulbright.com>; Michael Davis <MDavis@gibbsbruns.com>; Alex Abston <Alex.Abston@LanierLawFirm.com>; Alex Abston <Alex.Abston@LanierLawFirm.com>; Courtney M. Walton <Courtney.Walton@LanierLawFirm.com>
Subject: Re: Scheduling EDTX Depositions of Google's Experts

Thank you for sending your dates. We noticed that Google has stacked 4 depositions on the last 4 days of the discovery period (even after Google asked for a week off post EDVA Trial). It also is concerning and disappointing that Google has stacked these experts over the Halloween dates that impacts families. Nevertheless, we accept your dates, and, in turn, we have adjusted our dates accordingly.

Plaintiffs provided two dates for our experts and Google provided a single date, accordingly we have removed any of our offered dates that were in conflict with Google's dates.

Plaintiffs agree to the seven (7) hour deposition time limit and plan to notice all expert depositions at 9am local time, absent extenuating circumstances. Please let us know if Google is not agreeable to our "hybrid" deposition proposal that was described in my previous email and utilized in the fact discovery period.

The below table reflects the dates we believe are established based on the parties' simultaneous exchange. **Please let us know as soon as possible, which dates you select for the remaining Plaintiffs' Experts: Andrien, Pathak, Hochstetler, Gans, Rebuttal Only Expert #3, and Rebuttal Only Expert #4.**

Additionally, if the EDVA trial ends earlier than expected, is Google open to providing Plaintiffs with revised deposition dates for those witnesses currently offered the week of October 27th (i.e. Simonson, Ghose, Milgrom, and Rinard)?

Finally, while Plaintiffs have worked diligently to vet these dates with their experts, if any of Plaintiffs' experts' availability changes and they are no longer available for any of the offered deposition dates, Plaintiffs will immediately let Google know and provide alternative dates. Plaintiffs ask that Google do the same with its experts' availability.

Parties' Accepted Dates:

Expert	Date	Location	
Michael Baye	9/19/2024	Bloomington, IN	Google
Donna Hoffman	10/2/2024	Virtual	Google
Rebuttal Only Expert #2	10/2/2024	Norton Rose Fulbright US LLP, 555 California Street, Suite 3300, San Francisco, California, 94104	Plaintiffs
Matthew Weinberg	10/8/2024	Norton Rose Fulbright US LLP, 1301 Avenue of the Americas, New York, New York, 10019-6022	Plaintiffs
Rebuttal Only Expert #1	10/9/2024	Chapel Hill, NC	Plaintiffs
Steve Wiggins	10/10/2024	Gibbs & Bruns Houston office	Google
John Chandler	10/24/2024	Missoula, MT	Plaintiffs
Douglas Skinner	10/25/2024	Chicago, IL	Google
Rebuttal Only Expert #5	10/28/2024	Washington, D.C.	Plaintiffs
Itamar Simonson	10/29/2024	Freshfields Silicon Valley office	Google
Anindya Ghose	10/30/2024	Axinn DC office	Google
Paul Milgrom	10/31/2024	Freshfields Silicon Valley office	Google
Martin Rinard	11/1/2024	Axinn DC office	Google

Plaintiffs Need Confirmation:

Expert	Depo Date Option 1	Depo Date Option 2	Location	Address
Jeffrey Andrien	Thursday, September 26, 2024	Friday, September 27, 2024	Austin, TX	Norton Rose Fulbright US LLP, 98 San Jacinto Boulevard, Suite 1100 Austin, Texas, 78701-4255
Parag Pathak	Monday, October 14, 2024	Tuesday, October 15, 2024	Boston, MA	TBD
Jacob Hochstetler	Tuesday, September 24, 2024	Tuesday, October 1, 2024	Dallas, TX	Norton Rose Fulbright US LLP, 2200 Ross Avenue, Suite 3600, Dallas, Texas 75201-7932
Joshua Gans	Friday, October 11, 2024	Monday, October 7, 2024	Austin, TX	Norton Rose Fulbright US LLP, 98 San Jacinto Boulevard, Suite 1100

				Austin, Texas, 78701-4255
Rebuttal Only Expert #3	Friday, October 4, 2024	Friday, September 13, 2024	Nashville, TN	TBD
Rebuttal Only Expert #4	Tuesday, September 17, 2024	Tuesday, October 1, 2024	Chicago, IL	Norton Rose Fulbright US LLP, 1045 W. Fulton Market, Suite 1200, Chicago, Illinois, 60607

From: Zeke DeRose III <Zeke.DeRose@LanierLawFirm.com>

Date: Thursday, August 22, 2024 at 8:06 PM

To: "GARRETT, Tyler" <Tyler.Garrett@freshfields.com>

Cc: Kathy Patrick <kpatrick@gibbsbruns.com>, "MCCALLUM, Robert" <rob.mccallum@freshfields.com>, "Geraldine W. Young" <geraldine.young@nortonrosefulbright.com>, Michael Doman <mdoman@gibbsbruns.com>, "Marc B. Collier" <marc.collier@nortonrosefulbright.com>, Jonathan Wilkerson <Jonathan.Wilkerson@LanierLawFirm.com>, Noah Heinz <noah.heinz@kellerpostman.com>, "MAHR, Eric (EJM)" <Eric.MAHR@freshfields.com>, "Charles M. Rosson" <CRosson@gibbsbruns.com>, "jhunsberger@axinn.com" <jhunsberger@axinn.com>, "EWALT, Andrew (AJE)" <Andrew.Ewalt@freshfields.com>, "LEONARD, Claire" <Claire.Leonard@freshfields.com>, Trevor Young <Trevor.Young@oag.texas.gov>, Ashley Keller <ack@kellerpostman.com>, "Alex J. Brown" <Alex.Brown@LanierLawFirm.com>, John McBride <john.mcbride@nortonrosefulbright.com>, Michael Davis <MDavis@gibbsbruns.com>, Alex Abston <Alex.Abston@LanierLawFirm.com>

Subject: Re: Scheduling EDTX Depositions of Google's Experts

Received. Thank you Tyler.

Zeke DeRose III - Attorney p: 713-659-5200 w: www.LanierLawFirm.com

On Aug 22, 2024, at 7:03 PM, GARRETT, Tyler <Tyler.Garrett@freshfields.com> wrote:

Counsel,

In connection with our agreements to extend the expert deposition period and to limit each expert deposition to 7 hours on the record, Google proposes to make its experts available for deposition on the dates and at the locations as provided in the chart below:

Google Expert	Date	Location
Michael Baye	9/19/2024	Bloomington, IN
Donna Hoffman	10/2/2024	Virtual
Steve Wiggins	10/10/2024	Gibbs & Bruns Houston office
Douglas Skinner	10/25/2024	Chicago, IL
Itamar Simonson	10/29/2024	Freshfields Silicon Valley office
Anindya Ghose	10/30/2024	Axinn DC office
Paul Milgrom	10/31/2024	Freshfields Silicon Valley office

Martin Rinard

11/1/2024

Axinn DC office

We will provide more specific locations for the Baye and Skinner depositions once the dates and cities have been confirmed. We propose to begin all expert depositions at 9am local time.

Please note we are proposing the dates and locations listed above subject to reaching an overall agreement on dates and locations for all expert depositions (including those of plaintiffs' experts).

The opinions of Google's expert Jason Nieh pertain only to issues concerning equitable remedies, so based on the parties' agreement concerning bifurcation of equitable remedies discovery and proceedings, Google will not be making Prof. Nieh available for a deposition at this time. Google intends to make Prof. Nieh available for deposition during the equitable remedies discovery period, if such period occurs.

We are available to meet-and-confer on these dates and locations if necessary.

Best,
Tyler

Tyler Garrett

Associate
Antitrust, Competition, and Trade

Freshfields Bruckhaus Deringer US LLP

700 13th Street, NW
10th Floor
Washington, DC 20005
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